

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

REX CARR,

Plaintiff,

vs.

STEPHEN TILLERY, STEVEN KATZ, and
DOUGLAS R. SPRONG,

Defendants.

No. 07-314-DRH

MEMORANDUM and ORDER



HERNDON, Chief Judge:

This matter is before the Court on the motion for an extension of time to file a notice of cross-appeal brought by Defendants Stephen Tillery, Steven Katz, and Douglas R. Sprong (Doc. 180). On October 27, 2010, Tillery, Katz, and Sprong filed a notice of cross-appeal in this case. On November 3, 2010, the United States Court of Appeals for the Seventh Circuit ordered Tillery, Katz, and Sprong to show cause no later than November 16, 2010, why their cross-appeal should not be dismissed for lack of jurisdiction because their notice of cross-appeal was filed one day out of time. The order of the Seventh Circuit Court of Appeals stated also that if, pursuant to Rule 4(a)(5) of the Federal Rules of Appellate Procedure, Tillery, Katz, and Sprong wished to extend the time to file a notice of cross-appeal, they should file an appropriate motion in this Court. On November 4, 2010, Tillery, Katz, and Sprong filed a motion in this Court requesting that, pursuant to Rule 4(a)(5), the Court extend the time for them to file a notice of cross-appeal by one day so that the

cross-appeal in this case is timely. Because of the November 16 deadline to show cause why their cross-appeal should not be dismissed as untimely imposed by the Seventh Circuit Court of Appeals, Tillery, Katz, and Sprong also request that the Court order that any opposition to their motion for an extension of time to file a notice of cross-appeal by Plaintiff Rex Carr be filed no later than Monday, November 8, 2010. Having considered the matter carefully, the Court finds that the request by Tillery, Katz, and Sprong that Carr be ordered to respond to their motion for an extension of time to file a notice of cross-appeal by November 8 is well-taken. Accordingly, it is hereby ORDERED that Carr shall file any opposition to the motion for an extension of time to file a notice of cross-appeal brought by Tillery, Katz, and Sprong not later than Monday, November 8, 2010, at 12:00 noon.

IT IS SO ORDERED.

Signed this 5th day of November, 2010.

  David R. Herndon
2010.11.05 13:39:29
-05'00'
Chief Judge
United States District Court